

## **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers  
**FROM/PHONE:** John Rayson, Town Attorney, (954) 566-8855  
**PREPARED BY:** Daniel Donnelly  
**SUBJECT:** Old Business

**AFFECTED DISTRICT:** Townwide

**ITEM REQUEST:** Schedule for Council Meeting

**TITLE OF AGENDA ITEM:** Mobile Home Exit Relocation

**REPORT IN BRIEF:** The following Ordinance was prepared by the Town Attorney as directed by the Town Council. Please note that the ordinance draft prepared by Mitchell Chester has not been included as per Mr. Chester's request instead he wants you to consider the ordinance submitted by Jamie Ross. His analysis has been included for your review.

**PREVIOUS ACTIONS:**

**CONCURRENCES:** Town Attorney has previously drafted the Affordable Housing Ordinance.

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

**RECOMMENDATION(S):** motion to place item on a future meeting for public hearing.

**Attachment(s):** Ordinance prepare by John C. Rayson, Ordinance prepare by Jamie Ross and analyses by Mitchell Chester

# TOWN OF DAVIE

Ordinance 2008- \_\_\_\_\_

An Ordinance of the Town of Davie, Florida, amending the Code of Ordinances to provide for a Mobile Home Relocation Assistance, developers rights and responsibilities, and providing for the repeal of all code provisions inconsistent herewith, providing for severability, providing for the inclusion in the Code, providing for the transmittal of this Ordinance to the Florida Department of Community Affairs (the Department), providing for severability, providing for an effective date upon approval of this ordinance by the Department in accordance with Florida law.

WHEREAS, the Town Council of the Town of Davie declared an affordable housing crisis on December 20, 2006; and

WHEREAS, the Town Council enacted a one-year moratorium on the redevelopment of mobile home parks from February 21, 2007 through February 21, 2008 and an extension from February 21, 2008 through May 21, 2008 at which time the moratorium shall be repealed; and

WHEREAS, the Town Council created a Mobile Home Task Force of stakeholders to study issues surrounding redevelopment of mobile home parks and make recommendation regarding same; and

WHEREAS, a housing needs assessment was completed showing that the Town of Davie contains 27% of the mobile home units in Broward County, Florida while containing only 4% of the County's total housing and that while the number of single-family homes, townhomes and multi-family units have risen sharply, the number of mobile home units is rapidly decreasing; and

WHEREAS, pursuant to Florida Statute, the Town of Davie has the authority to create a Mobile Home Relocation Assistance; and

WHEREAS, the Town Council finds the adoption of this ordinance is in the best interests of the Town and complies with applicable Florida law.

WHEREAS, the Town Council finds that enactment of this Ordinance furthers the objectives, goals and policies of the Town's Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Davie as follows:

**Section 1.** Article \_\_\_\_\_ of the Code of Davie Florida is hereby amended and restated as follows:

Section \_\_\_\_\_ Mobile Home Relocation Assistance

1. **Purpose.** The purpose of this article is to establish guidelines and criteria for a mobile home relocation assistance program.

**Section \_\_\_\_\_. REQUIREMENTS FOR MOBILE HOME RELOCATION ASSISTANCE**

A relocation report and plan shall describe how the mobile home park owner intends to comply with Town, County and State legislation relating to mobile home relocation assistance. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate; however, no funds shall be required of the mobile park owner other than those presently set by state or federal laws, settlement agreement, voluntary payment or payments made into the affordable housing trust fund pursuant to Davie ordinance \_\_\_\_\_. Such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources and helping tenants obtain and complete necessary application forms for state or federal required relocation assistance including payment from the State Mobile Home Relocation Trust Fund. Further, the relocation report and plan shall contain the following information:

1. Copies of all lease or rental agreement forms the mobile home park owner currently has in place with mobile home park tenants.
2. An inventory of relocation resources including available mobile home spaces in a radius of 5 miles of Davie.
3. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources.
4. The mobile home park owner will provide information as to how to assist mobile home park tenants to best move the mobile homes from the mobile home park.
5. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park.
6. A statement of the anticipated timing for park closure.

The Town Administrator or his designee may require the mobile home park owner to designate a relocation coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants The Town Administrator or his designee and other town, county and/or state officials to ensure compliance with the relocation report and plan with state and federal laws governing mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.

The park owner shall make available to any mobile home park tenant residing in the mobile home park copies of the proposed relocation report and plan. Within 21 days of submittal to the director of Housing and Community Development of the relocation report and plan, a copy of the approved relocation report and plan shall be mailed by the owner to each mobile home park tenant.

The mobile home park owner shall notify The Town Administrator or his designee of major changes to the relocation plan.

No mobile home park owner may obtain final approval of a comprehensive plan or zoning redesignation until the mobile home park owner obtains a certificate of completion from the Town Administrator or his designee. The Town Administrator or his designee shall issue a certificate of completion when the owner has complied with the provisions of this ordinance.

**Section \_\_\_\_\_. SEVERABILITY CLAUSE.**

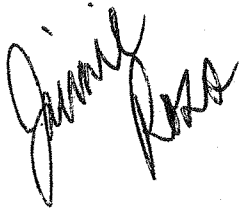
Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section \_\_\_\_\_. MONITORING AND REVIEW.**

The Town Administrator or his designee shall monitor the implementation of this provision. On or before October 1 of each calendar year, the Town Administrator shall present a status report to the Town Council on the implementation of this article.

**Section \_\_\_\_\_. REVIEW BY THE DAVIE TOWN COUNCIL.**

One (1) year after the adoption of this ordinance, the Town Council shall review its implementation and effectiveness.



**Town of Davie**

**ORDINANCE 2008-\_\_\_\_\_**

An Ordinance of the Town of Davie amending the Code of Ordinances to provide for Mobile Home Exit Plan and Relocation Assistance, Activities to Promote Affordable Housing Opportunities, developers right and responsibilities, creation of new responsibilities in the Housing and Community Development Department, providing for severability, providing for the inclusion in the Code, providing for the transmittal of this Ordinance to the Florida Department of State, providing for an effective date upon approval of this ordinance by the Department in accordance with Florida law, providing for annual review.

WHEREAS, by Resolution R- 2006-328, dated December 20, 2006, the Town recognized and declared that there is an affordable housing crisis in Davie and mobile home residents have no comparable affordable housing in which to relocate should they lose their residence; and

WHEREAS, the Town Council enacted a one-year moratorium on the redevelopment of mobile home parks from February 21, 2007 through February 23, 2008 and an extension from February 21, 2008 through May 21, 2008 at which time the moratorium shall be repealed; and

WHEREAS, the Town Council set up a Mobile Home Task Force consisting of Mobile Home park residents, owners, and Town Council appointees to study the issues and to develop possible solutions which could be adopted for such purpose and the Town Council has incorporated certain of those recommendations herein; and

WHEREAS, Chapter 723, Florida Statutes, regulates mobile home park tenancies and intends to balance the basic property rights of park owners with the housing needs of mobile home owners renting sites within mobile home parks; and

WHEREAS, the Town of Davie recognizes that certain mobile home parks which house residents in mobile and manufactured homes are taking steps to reduce or eliminate their respective resident populations so that the protection provided by Section 723.083 is removed; and

WHEREAS, the Town of Davie, a municipal corporation is empowered under Chapter 125, Florida Statutes, to enact ordinances for the benefit of the safety, health and welfare of the people of the Town; and

WHEREAS, the Town of Davie finds that preventing mobile home park residents from becoming homeless and providing additional affordable housing opportunities is

consistent with and furthers the housing element requirements in Chapter 163, Florida Statutes; and

WHEREAS, in an attempt to strike an appropriate balance, Section 723.083, Florida Statutes, specifically restricts the ability of a local government to take any official action, including rezoning, that would result in the removal or relocation of mobile home owners residing in a mobile home park without first making an affirmative finding that there exists adequate mobile home parks or other suitable facilities for the relocation of mobile home owners; and

no WHEREAS, the Department of Legal Affairs, Office of the Attorney General, specifically found that a finding of adequate or suitable facilities per Section 723.083, Florida Statutes, "be appropriate to the financial and other needs of the specific population of mobile home owners"; and

WHEREAS, the Town of Davie finds there is a scarcity of affordable housing within its municipal boundaries, which limits the amount of affordable mobile home parks or other suitable facilities available to mobile home owners subject to removal or relocation as a result of a mobile home park closures; and

WHEREAS, the recent widespread conversion of mobile home parks to other uses, and the resulting potential removal and relocation of mobile home owners, present separate and immediate affordable housing needs that the Town of Davie desires to address; and

WHEREAS, a housing needs assessment was completed showing that the Town of Davie contains 27% of the mobile home units in Broward County, Florida while containing only 4% of the County's total housing and that while the number of single-family homes, town homes and multi-family units have risen sharply, the number of mobile home units is rapidly decreasing; and

WHEREAS, over one quarter of the Town of Davie's housing stock is comprised of mobile homes, many of which are not-wind-storm rated and are too old to be moved should a mobile home park close, causing the mobile home owner to lose their home; and

WHEREAS, the Town finds that there exists an essential nexus between the legitimate Town interest of complying with the statutory requirement of ensuring adequate affordable housing for mobile home owners under Section 723.083, Florida Statutes, and the voluntary rental assistance payment option set forth in this mobile home exit/relocation program; and

WHEREAS, the Town further finds that there exists the required degree of connection between the voluntary rental assistance payment option and the ability to ensure adequate or suitable facilities for mobile home owners impacted as a result of a park rezoning and/or land use changes; and

WHEREAS, pursuant to Section 723.083, Florida Statutes, the absence of adequate or

suitable facilities for the relocation of eligible mobile home owners displaced as a result of a rezoning requires denial of rezoning and/or land use changes; and

WHEREAS, the mobile home exit/relocation program, as proposed and implemented herein, is intended to supplement the existing methods by which a rezoning or land use change applicant can meet its statutory burden under Section 723.083, Florida Statutes, and this additional voluntary method will simultaneously assist eligible mobile home owners to secure adequate or suitable facilities; and

WHEREAS, offering a voluntary rental assistance payment option to the rezoning or land use change applicant is specifically designed to address, and substantially relates to, the need to assure the affordability of adequate or suitable facilities for those mobile home owners who might be removed or relocated as a result of the governmental action; and

WHEREAS, the availability of such rental assistance option in the manner and by the procedures provided in this ordinance addresses the needs of the specific population of mobile home owners who will be removed or relocated by a rezoning or land use change approval that triggers the provisions of Section 723.083, Florida Statutes; and

WHEREAS, the Town of Davie deems it appropriate for the rezoning or land use change applicant to set aside an amount sufficient to ensure the ability of eligible mobile home owners to secure affordable housing and maintain affordability for a period of up to two years; and

WHEREAS, the Town of Davie intends the rental assistance to be an interim step in the provision of permanent alternative housing for the displaced mobile home park residents, so that at the end of the rental assistance period the recipient would not be homeless, but rather would have found other suitable housing through private sector development of affordable housing; nonprofit owned mobile home parks; private sector development of affordable housing through the inclusionary housing ordinance adopted by the Town, or with assistance provided by any other affordable housing programs; and

WHEREAS, the Town's specific intent is that, regardless of the source of the funding, any voluntary monies paid to support a Section 723.083, Florida Statutes finding are to be paid directly to the Town or its designee and not to the individual mobile home owners, and no funds from the program are to be construed as a payment by the rezoning or land use change applicant that would otherwise disqualify the mobile home owner for payment by the Mobile Home Relocation Corporation provided for under Section 723.0612, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE that:

## **Section 1. Legislative Findings and Definitions.**

1.1 The foregoing "Whereas" clauses are hereby incorporated as legislative findings in support of this Ordinance.

## **Section 2. Process for Actions subject to Section 723.083, Florida Statutes.**

The Town of Davie will not take any action subject to Section 723.083, Florida Statutes that would facilitate the change of use from mobile home parks until twenty four (24) months from the time a mobile home park is unoccupied unless the applicant or park owner can provide substantial competent evidence that the park residents vacated the park without duress, coercion, or under threat of park closure which would constitute constructive eviction, or that the former residents found alternative suitable housing.

## **Section 3. Responsibilities of Applicant and Exit/Relocation Plan Requirements.**

3.1 For purposes of this ordinance, "Applicant" is defined as an applicant for any government action that would result in the removal or relocation of mobile home owners residing in a mobile home park other than a resident-owned park, with respect to a property currently used as a mobile home park under Chapter 723, Florida Statutes. The owner of record of the subject property shall sign such application. Resident-owned parks involved in legally sanctioned and voluntary applications for changes of zoning and land use are specifically excluded from the provisions of this ordinance.

3.2 Applicant's 723.083, Florida Statutes, Responsibilities.

3.2.1 The application shall provide information in support of the necessary 723.083 Florida Statute determination that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners, hereinafter referred to as the Determination.

3.2.2 Supplement after Preliminary Town Staff Review: If upon initial review by Town staff, it is determined that additional information is required to make the requisite 723.083 finding, the Applicant may have an additional 30 days to supplement the record.

3.3 Applicant will provide information specified in Section 5 of this ordinance to establish a replacement housing profile for the mobile home owners residing in the park and determine if adequate mobile home parks or other suitable facilities are available for the relocation of mobile home owners affected by governmental action as required by statute. For purposes of this ordinance, "Mobile Home Owners" shall be defined as those persons who own their manufactured home but rent a lot space within the subject property and are subject to the provisions and protections provided for in Chapter 723, Florida Statutes.

3.4 No notice of eviction for change in land use of the property or for change in zoning shall be given or effective unless the mobile home park owner shall have provided to the Town of Davie Housing and Community Development Department, by certified mail, an updated and complete list of all mobile home tenants residing on the park property, to



enable the Town to issue notices of tenant's remedies and rights to all such residents on a form approved by the Town staff. This updated and complete list shall also be provided to any affected mobile homeowner association by serving at least one (1) director or officer of said association, by certified mail.

3.5 The Town of Davie Housing and Community Development Department shall post, at the entrance of all mobile home parks situated within the Town of Davie, visible signs alerting mobile home residents that information about their mobile home tenancy rights is posted on the Town of Davie website, in a section devoted exclusively to that subject. The website information will include links to all ordinances pertaining to mobile homes in the Town of Davie, a link to applicable Florida Statutes, applicable statutory deadlines, tenant's administrative and judicial remedies, a list of all resources for mobile home residents facing tenancy terminations and information about available programs designed to educate residents about their options in the event of land use and zoning changes pertaining to their parks. The site shall be updated by the Town of Davie Housing and Community Development Department as necessary to provide current information.

3.6 Applicant will deposit with the Town the Supplemental Rental Assistance Payment funds as specified in this ordinance to assure that the identified mobile home parks or other suitable facilities are affordable to mobile home owners within the subject property.

3.7 For each mobile home owner within the subject property who requests rental assistance payments, Applicant will identify a replacement unit in a mobile home park or other suitable facility located within the Town of Davie. Replacement units must be decent, safe, sanitary, and windstorm resistant up to and including a category 4 hurricane rating. Nothing herein shall prevent a mobile home owner from accepting a replacement unit outside the Town of Davie if the mobile home owner so chooses.

3.8 No notice of eviction for change of land use of property shall be given or effective unless the mobile home park owner shall have first paid to the Town an amount equal to the Town's actual out-of-pocket cost to qualify mobile home owners and provide initial counseling times the number of owner-occupied mobile homes located in the mobile home park. Such sum shall be used by the Town or its designee in determining whether mobile home owners qualify for rental assistance payments hereunder and shall be fully creditable against any sums payable pursuant to Sections 5 and 6 hereof. No later than the date the notice of eviction for change of use is given to mobile home owners, the Applicant will notify mobile home owners of their rights under this ordinance, including possible eligibility for rental assistance payments if affordable replacement or relocation facilities cannot be identified.

3.9 The plan shall provide specifically for relocation assistance to full-time, low and moderate income residents of the affected mobile home park for a period of twenty four (24) months following approval of any change in zoning or land use.

3.10 In addition to the requirements of this Ordinance as set forth herein, the relocation/exit plan shall analyze and include, but not be limited to:

- a. Consideration of the availability of medical, dental, pharmacy and grocery shopping near comparable mobile home parks;
  - b. An analysis of the economic impact on the mobile home park tenants to be relocated, including, but not limited to, whether or not such tenants will be forced to leave gainful employment, and the reasonable prospects for gainful employment when relocated;
  - c. Whether family bonds will be severed or family pets will have to be given up by the closure of the mobile home park and the resulting displacement of mobile home park residents;
  - d. Whether mobile home parks receiving any form of governmental assistance will lose said benefits by being relocated, and the likelihood of receiving comparable governmental assistance once relocated;
  - e. If any replacement mobile home park provides substantially equivalent park facilities and amenities, space rental and fees and is within reasonable proximity to public transportation, social and religious facilities;
  - f. If adequate private and/or governmental funds are available to displaced mobile home residents to move his or her residence to another mobile home park and if so, an identification of such funding sources. This analysis shall include whether any residents who face removal from the mobile home park are responsible for any mortgages on their mobile homes, and if so, a list of such owners and the current balances on each mortgage maintained on mobile homes which cannot be moved due to age and the inability to meet current windstorm rating standards into available mobile home parks within the geographic limit set by this Ordinance, and which would have to be abandoned by the mobile home owner upon the lawful termination of his or her tenancy. Such information shall be used by the Town of Davie in determining mobile home owner eligibility for payments to satisfy such existing mortgages under the Affordable Housing Trust Fund established by the Town and/or other funding sources. The analysis shall also include the  
cost to replace each abandoned mobile home unit with a pre-owned, windstorm rated mobile home in parks within the geographic limits set by this Ordinance to which the resident can relocate;
  - g. Whether mobile homes currently occupied by mobile home owners can be moved and accepted into other mobile home parks based upon existing windstorm rating criteria and insurance requirements.
- 3.10 Any relocation/exit plan shall specifically provide guarantees that all tenants sixty five (65) years of age or older and all mobile home park tenants who are medically proven to be permanently disabled shall not have to pay an increase in rent over the amount they currently pay for a period of two (2) years after relocation.

3.11 Each relocation/exit plan shall specify what steps the mobile home park owner will take to ensure that mobile homes abandoned due to the enactment of the relocation/exit plan will be maintained in a safe, secure and reasonable manner to protect the health, safety and welfare of the residents who remain residing within the park.

#### **Section 4. Town Action on Section 723.083 Finding.**

##### **4.1 Procedure:**

4.1.1 Any exit/relocation plan must be submitted to the Town of Davie Housing and Community Development Department, in writing, with five (5) copies, at least thirty (30) days before any publicly scheduled hearing is conducted. Thereafter, the Town of Davie Housing and Community Development Department shall issue a written analysis with approval or rejection of the proposed Exit/Relocation plan and provide same to the applicant, members of the Town Council, the Town Administrator no later than 5 days prior to any quasi-judicial evidentiary hearing on the proposed plan. Copies of the Exit/Relocation plan shall be made available to members of the public for copying and inspection at the Town of Davie Housing and Community Development Department offices during regular business hours.

4.1.2 The Town shall make its determination regarding Florida Statute 723.083 during the same public hearing where the rezoning/Future Land Use Map amendment is considered, or whatever official government action is taken, in the event there is not zoning or land use amendment under consideration. The hearing shall be public hearing and quasi-judicial and evidentiary in nature. The Town shall review all information provided and shall make its decision based on substantial and competent evidence. If the Town is satisfied that the evidence indicates that adequate mobile home parks or other suitable facilities exist for the relocation of the eligible displaced mobile home owners to comparable housing affordable to them, it shall make a finding of such and may move to approve the application. Passage of any proposed Exit/Relocation plan shall be by a super majority of the members of the Town Council. A record of such proceedings shall be maintained in digital video and audio media by the Clerk of the Town of Davie.

4.1.3 The Town may continue the hearing should it request supplemental information to assist in making the requisite determination.

4.1.4 Denial: If the Town is not satisfied that the evidence indicates the existence of adequate mobile home parks or other suitable facilities for the relocation of the eligible displaced mobile home owners, the finding shall state such and the application may not be approved with reference to Florida Statutes 723.083, except as provided for within Section 5 herein.

4.1.5 The Town may grant a conditional approval of the application pursuant to Section 5.

4.1.6 The granting of such conditional approval pursuant to Section 4.3.4 above will provide a presumption that the provisions of Florida Statutes, Chapter 723.083 have been satisfied.

## **Section 5. Conditional Final Decision.**

5.1 Upon determining that there is a lack of competent substantial evidence to support an affirmative finding under Section 723.083, Florida Mobile Home Act, the Town may condition approval upon the Applicant's willingness to deposit monies into the Town of Davie Affordable Housing Trust Fund for purposes of assuring that rental assistance is available for all eligible mobile home owners for whom affordable mobile home parks or other suitable facilities cannot be identified.

5.2 Any Supplemental Rental Assistance Payment funds deposited by the Applicant that remain unused will be returned to the Applicant as stated in Section 5 of this Ordinance,

with any interest which may have accrued during the period said funds were in the possession of the Town in an interest bearing account.

5.3 To determine if the Applicant qualifies for a conditional final approval, the Applicant shall be required to provide sufficient information to establish a replacement housing profile for the mobile home owners residing in the park. Required information must include, but is not limited to, the following:

5.3.1 The total number of mobile homes in the park that are owned by mobile home owners; and

5.3.2 Monthly rent charged for each space occupied by a mobile home owner; and

5.3.3 A list of the names and mailing addresses of the present mobile home owners within the subject property. This list should identify those units that are suitable for moving and for which only vacant replacement lots will be identified in Section 5.3.5; and

5.3.4 A list of the age and a description of the physical condition of each owner-occupied mobile home within the park, including dimensions and whether the mobile home unit can be transported without risk of substantial damage; and

5.3.5 Household profile for each owner-occupied mobile home within the park, including number of adults, number of children, age of family members, disabilities, if any, and whether pets have been allowed in the park. Replacement units identified per Section 5.3.5 should be suitable for similar household profiles; and

5.3.6 A list of other mobile home parks or other suitable facilities with vacant units available at the time of application and that are of a similar cost profile to which owners residing in the subject property could reasonably expect to relocate. This "Housing Market Analysis" will include, at a minimum, name and address of the park, park contact name and phone number, the number of vacant spaces available and the cost of those spaces, park guidelines on age and condition of acceptable units, number of rental units available and the cost of those rentals. All parks or other suitable facilities must be located within the Town of Davie and serve the same age, household and occupancy profiles as the subject property.

5.3.7 A proposed exit/relocation time frame shall be provided to the Town of Davie for review and shall be considered in the analysis of whether or not an exit /relocation plan is sufficient, equitable and fair to mobile home owners and mobile home park owners.

#### **Section 6. Town of Davie Mobile Affordable Housing Trust Fund.**

The Town of Davie Affordable Housing Trust Fund is hereby established ~~to be administered by the Town of Davie Housing and Community Development Department,~~ and intended as a resource to assure that affordable mobile home parks or other suitable facilities will be available for mobile home owners who are removed or relocated as a result of land use change or government action defined in Section 723.083, Florida Statutes. The funds maintained by the Trust Fund will be available solely for temporary rental assistance, as set forth below, or for payment of mobile home owner mortgage balances, based upon criteria established by the Town of Davie. Payments from this Fund do not provide a relocation payment or any other form of compensation to mobile home owners. If the Applicant for rezoning cannot identify adequate mobile home parks or

no

to build affordable housing!

other suitable facilities that are affordable to the impacted mobile home owners, the payment will be used to provide temporary rental assistance to qualified mobile home owners.

6.1 Calculation of Deposits: The amount deposited into the Town of Davie Affordable Housing Trust Fund will be calculated by the Town or its designee using the following methodology:

6.1.1 Identify the units occupied by mobile home owners and unit size based on number of bedrooms; and

6.1.2 Identify the weighted average lot rent for owners in the subject mobile home park; and

6.1.3 Identify the weighted average rents for similarly sized rental units in the Town of Davie; and

6.1.4 The per-unit amount to be deposited is based on the gap between the weighted average monthly lot rent and the weighted average monthly rent for similarly sized apartments in the Town of Davie; and

6.1.5 The per-unit amount defined in 6.1.4 is multiplied by the number of owners in the subject property, who have not voluntarily signed a waiver of their Chapter 723.083 protections, and by the 24-month maximum assistance period; and

6.1.6 To determine the total deposit required, the amount calculated in 6.1.5 above is multiplied by a factor of 1.15 to meet administrative fee requirements.

6.2 Cost Recovery Fee: Funds deposited with the Town to provide rental assistance payments are subject to a fifteen percent (15%) non-refundable fee to cover the cost of program administration.

6.3 Form of Payment: Deposits to the Town of Davie Affordable Housing Trust Fund will be made payable to the Town of Davie or its designee. The Town or its designee will calculate the deposit amount required based on an economic profile derived from information provided by the Applicant as described in Section 5 of this ordinance and other housing cost data. The full Supplemental Rental Assistance Payment amount must be deposited prior to issuance of any permits for the site. The deposit may be cash or an irrevocable letter of credit issued by a major financial institution in favor of the Town of Davie, in a form approved by the County or its designee and from which solely the Town is authorized to draw upon for rental assistance as provided herein as needed. Any cash shall be deposited in an interest-bearing account, with the interest accruing to the benefit of the Applicant. Any letters of credit shall be for a period of one year provided, however, that the Town may draw on such letter of credit, if it is not renewed for an additional year, not later than thirty (30) days prior to its expiration. The Applicant may substitute cash, in whole or in part, for the letter of credit from time to time. The letter of credit shall be reduced in amount to the extent that the Applicant substitutes cash therefor. The Trust Fund shall be interest bearing and shall be audited two times a year by an independent auditing agency or contractor.

6.4 Supplemental Rental Assistance Payments: Rental assistance payments are available for qualified mobile home owners for whom affordable replacement housing has not been identified. The amount of the rental assistance payment shall be sufficient to cover the gap between the rent of the identified eligible unit and the mobile home owner's

affordability. Affordability will be based on gross household income, adjusted for household size as defined by the State Housing Initiatives Partnership Program (SHIP), Section 420.907, Florida Statutes, using the rents published annually for the SHIP program, adjusted for utilities.

6.4.1 Applications for Supplemental Rental Assistance: Mobile home owners requesting rental assistance or satisfaction of existing mortgages will be required to complete an Application for Rental Assistance in a form acceptable to the Town or its designee within 90 days following receipt of notice to vacate the property or final approval of the zoning or land use change, whichever is later. Information contained in the application will be used to determine household affordability and housing need, and should include, but is not limited to, the following:

- (1) Name, age, total gross household income, places of employment, sources of income, household assets, number of persons in the household, dates of birth, and social security numbers; and
- (2) Mailing address, residency status, number of bedrooms in the current mobile home; and
- (3) Documentation establishing the applicant as an owner of record for the mobile home per Chapter 723; and
- (4) Monthly or weekly costs of pad rental, park utility fees, and other charges collected by the park owner from the mobile home owner; and
- (5) Any special needs of the residents of the unit relating to handicapped accessibility or need for housing that accepts pets; and
- (6) Signed forms authorizing verification of income/asset information provided; and
- (7) The name of any mobile home mortgage lender, the payoff amount remaining on the loan, and the applicable account number.

6.4.2 Review of Application: Sworn and duly notarized applications will be reviewed by Town staff or its designee to determine the affordability and housing needs of the mobile home owners. Failure of mobile home owners to provide timely, accurate, and complete information will make it impossible to determine housing needs and affordability and may render them ineligible for rental assistance. All applications are subject to the Public Records Laws of the State of Florida.

6.4.3 Housing Counseling as a Prerequisite: Mobile home owners requesting rental or displacement assistance must agree to receive housing counseling services from the Town of Davie, or its designee as a prerequisite. Town or its designee will provide individual housing counseling services to determine the housing needs and level of affordability of the mobile home owner. Rental assistance payments will be used as a resource only when affordable mobile home parks or other suitable facilities have not been identified by other means. Affordable replacement housing may be located for the mobile home owners without the need for rental assistance. Every attempt will be made to place mobile home owners onto suitable waiting lists and identify other strategies that will remove them from the rental assistance program as expeditiously as practicable.

6.4.4 Rental Assistance Payments Are Made to the Lessor: Rental assistance payments will be made to the Lessor on behalf of the mobile home owner. No payment will be made directly to any mobile home owner, guardian, or family member of a mobile home owner.

6.4.5 Term of Rental Assistance Payments: The rental assistance payment benefit period must be consecutive and cannot exceed 24 months.

6.4.6 Eligibility for Rental Assistance Payments: In order to be eligible for rental assistance payments, mobile home owners must meet the following criteria.

(1) Be an eligible owner of a mobile home as defined in Chapter 723 who was renting a space in the subject property prior to initiation of the rezoning request, and continuing to rent such space from such date to the filing of a complete application for assistance.

(2) Has not been offered an affordable replacement unit, as defined herein, in another mobile home park or other suitable facility.

(3) Has an affordability gap, using the criteria defined herein, between the cost of the identified replacement unit and the affordable rent as published by the State of Florida's State Housing Initiative Partnership Program for the mobile home owner's household income category.

(4) Is a full-time resident in good standing as evidenced by being current in rents and other fees due to the park owner, unless such rents and other fees are being withheld due to a bona fide Order by a Court of Law pending resolution of legal action.

(5) Has provided complete and accurate information in the Application for Rental Assistance described herein.

(6) Has completed the housing counseling prerequisite and complied with all recommendations provided by the housing counselors.

6.5 Advance of Rental Assistance Payments: If Applicant posts a letter of credit pursuant to Section 6.3 above, the Town shall provide Applicant with a good faith written estimate twenty (20) days prior to commencement of a calendar quarter of the total amount of rental assistance payments and administrative costs anticipated to be required for such quarter, less any funds remaining from prior payments by Applicant. The Applicant shall advance such estimate amount to the Town within ten (10) days of receipt of such estimate, failing which the Town may draw such amount under the letter of credit. If within the ten (10) day period, Applicant objects in writing to Town's estimate, Applicant and Town shall meet to try to resolve the matter within thirty (30) days after Applicant's objection, failing which the Town may draw on the letter of credit.

6.6 Refund to Applicant: All rental assistance monies provided by the Applicant and any interest earned thereon and not used as rental assistance payments will be returned to the Applicant within ninety (90) days following the end of the rental assistance period. The administrative fee is not refundable.

6.7 Additional Sources of Funding for Trust Fund: (?)

## **Section 7. Cessation of Business Operations as a Mobile Home Park**

Any mobile home park operating in the Town of Davie shall file with the Town of Davie Housing and Community Development Department, a notice of intent to cease operations as an operating Mobile Home Park at least 180 days before the park's business activities are terminated. Owners of mobile home parks who have determined that they will no

longer remain in the mobile home park business on an on-going basis shall be subject to the requirements and provisions of this ordinance.

"Cessation of business operations" includes any effort to constructively evict mobile home residents by actions and/or omissions by the park owner, manager, their agents, employees, and independent contractors, with an intent and design to eliminate tenancies on the park property for reasons that are designed to create a de facto land use and/or zoning change, causing the displacement of mobile home residents, and when the park owner is not otherwise in compliance with this statute.

~~7.1 No mobile home park owner or manager, their agents, employees, and independent contractors shall take any action to encourage mobile home owners and renters to leave a mobile home park, except as provided by Chapter 723 of the Florida Statutes, in an effort to circumvent the requirements of this ordinance. Any owner or manager of a mobile home park who or which is determined to have encouraging or be encouraging mobile home owners to exit an operating park in an effort to circumvent this ordinance shall be subject to injunctive and declaratory relief and any other remedy provided by law or in equity.~~

### **Section 8. Town Activities to Promote Affordable Housing Opportunities.**

The intent of the Town is that mobile home park residents displaced by government action described in 723.083, Florida Statutes will find permanent housing in the Town of Davie. To that end, the rental assistance program will be supplemented by activities to promote affordable housing opportunities, such as:

8.1 Assistance by the Town in issuing bonds on behalf of nonprofit organizations to purchase and or rehabilitate existing mobile home parks to maintain such parks in perpetuity for the benefit of low income mobile home park residents.

8.2 Assistance by the Town in facilitating the development of a community land trust and identifying land that could be donated to a community land trust for the purpose of providing permanently affordable housing for displaced mobile home park residents.

8.3 Setting aside ----% of tax increment finance funds for the development of affordable housing. (need to have amount put in)

8.4. Establishing a land banking program to make parcels available for affordable housing and continue to make available any public lands that are not otherwise in use, for affordable housing.

8.5 Assist mobile home park residents in forming associations to facilitate purchase of parks through cooperatives or other nonprofit mechanisms.

8.6 Assist mobile home park residents by providing funding and technical assistance to facilitate resident owned parks and build the assets of mobile home park residents by fostering the creation of IDA programs and the greater use of the Earned Income Tax Credit.



8.7 Create new positions as needed within the Town's Housing and Community Development Department to administer the Housing Trust Fund, provide technical assistance, and oversee the implementation of the strategies in this ordinance, as well as those intended to work in tandem with this ordinance, such as the Town's inclusionary housing ordinance.

#### **Section 9. Waiver and Modification of Requirements and Provisions**

The Town Council shall be empowered to make a quasi-judicial determination that substantial evidence exists that extreme economic hardship will be suffered by the mobile home park owner, and that the provisions of this ordinance shall not apply, or should be modified, in full or in part, with regard to the applicant. An "extreme economic hardship" does not exist where the cost of implementing the exit/relocation provisions of this ordinance would merely deny the applicant the maximum profits that could be realized from the anticipated change in land use and/or zoning change which is sought by the applicant. Further, "extreme economic hardship" is intended to mean that the substantial property rights of mobile home park owners are being infringed given the unique type of tenancy embraced by the mobile home owners and park owners as recognized by Chapter 723 of the Florida Statutes and decisional case law. If the Town Council finds that the conditions would result in extreme economic hardship for the applicant, the Town Council may waive or modify the requirements of this ordinance only to the extent minimally necessary to alleviate such extreme economic hardship.

#### **Section 10. Alternative Mitigation.**

An Applicant may provide an alternative means of meeting the requirements of Section 723.083 by addressing in a manner acceptable to the Town any affordability gap, using the criteria defined herein, between the cost of the identified replacement unit and the affordable rent as published by the State of Florida's State Housing Initiative Partnership Program for the mobile home owner's household income category. Any such alternative means shall meet the spirit and intent of this ordinance.

#### **Section 11. Judicial Review.**

Any decision of the Town of Davie as to the approval, conditional approval, rejection or waiver of an exit/relocation plan may be reviewed by a Court of competent jurisdiction in any appropriate cause of action by any affected person or business entity. Any determination of a violation of this ordinance may be reviewed by a Court of competent jurisdiction in any appropriate cause of action by any affected person or business entity. The prevailing party in such litigation, including any appeal, is entitled to the award of reasonable attorney's fees and litigation costs.

## **Section 12. Severability.**

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

## **Section 13. Filing of Ordinance; Effective Date.**

Pursuant to Section 125.66, Florida Statutes, the Clerk of the Town of Davie shall file a certified copy of this Ordinance with the Department of State within ten (10) days after enactment by the Town of Davie. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

## **Section 14. Monitoring and Review**

The Town Administrator or his designee shall monitor the implementation of this ordinance. On or before October 1 of each calendar year, the Town Administrator shall present a status report to the Town Council for its review of the implementation and effectiveness of this ordinance.

**Analysis of Town Attorney's 3d Draft of the proposed Affordable Housing Ordinance As It Pertains to Mobile Home Relocation Assistance**  
**(Document A-4 only)**

*Respectfully submitted and prepared by Mitchell A. Chester, Esq., Resident of the Town of Davie. 2.17.08 Ed. 3.*

**Note:** This analysis, with recommendations, is prepared based upon the Town of Davie Town Council Agenda Report for Item 8.1 "Old Business" which accompanies the Town Council Agenda for February 20, 2008 and which was prepared by John C. Rayson, Esq.

1.	<b>Issue:</b> Justification for this proposed ordinance needs further explanation. This is especially necessary in the event of a legal challenge to the ordinance.	<b>Recommendations:</b> Some of the language incorporated into the original moratorium ordinance and the new extension moratorium ordinance should be incorporated into this proposed law.  The "Whereas" section needs to recite the words "Health, safety and welfare" of the residents of the Town of Davie, to assist in understanding the legislative intent behind the Ordinance.
2.	<b>Issue:</b> There is no reference in this particular ordinance to the Mobile Home Task Force recommendations. The failure to cite this study, or incorporate its findings, does not assist in judicial review of the proposed law.	<b>Recommendation:</b> The findings of the Task Force as it pertains to the need of an Exit/Relocation plan should be included within the ordinance language.
3.	<b>Issue:</b> The "Whereas" section of A-4 is vague and should be more specific.	<b>Recommendation:</b> Reference to "Florida Statute" should be specific to allow better judicial review and understanding.
4.	<b>Issue:</b> The "Purpose" paragraph refers to "guidelines" and "criteria." This section appears to include language which is only advisory and would not have the force of a mandatory local law.	<b>Recommendation:</b> The purpose should be to establish a mandatory program, enforceable by law with mandatory language.

5.	<b>Issue:</b> References to federal law are inconsistent.	<b>Recommendation:</b> Since there are references to "federal laws" throughout the document, any references to the specific applicable laws throughout the ordinance should be consistent with reference to specific applicable federal laws.
6.	<b>Issue:</b> The Ordinance, in its proposed form, does not fully deal with older mobile homes that cannot be moved to alternative parks because they are not "windstorm rated" and/or are too old to be moved without incurring substantial property damage. While the issue of "probable mobility" of each mobile home is referenced in paragraph "9," the proposed language does not address those mobile home residents who will be forced to abandon their mobile home units while being displaced.	<b>Recommendation:</b> Provisions should be in place to specifically help those who are forced to abandon their units. For example, additional payments from the Affordable Housing Trust Fund should be considered, and any portions of the abandoned mobile home units which can be recycled (e.g. car ports) in exchange for cash should be returned to the owner of the mobile home.
7.	<b>Issue:</b> Qualifications for a "Relocation Coordinator" are not specified.	<b>Recommendation:</b> Any person designated as a "Relocation Coordinator" should have certain minimum qualifications and experience in the housing arena and be certified by the Town of Davie Housing and Community Development Department as so qualified. That person should not be the employee of any property owner seeking to change land use or zoning on the mobile home park properties; all such persons should be independent of any park owner.
8.	<b>Issue:</b> Compensation of "Relocation Coordinator" is not addressed.	<b>Recommendation:</b> Any person acting in the role of a "Relocation Coordinator" should be compensated by a neutral funding source.

9.	<b>Issue:</b> The "Relocation Coordinator" should be required to work with any applicable federal agencies.	<b>Recommendation:</b> There is no reference in the proposed language to working with federal agencies (e.g. FEMA) when applicable. This is easily remedied by inclusion of the words "federal agencies or departments" when applicable.
10.	<b>Issue:</b> The use of "landlord/tenant responsibilities" is an attempt to pre-empt state law. Inclusion of such wording supplies a potential legal challenge to those who oppose the ordinance.	<b>Recommendation:</b> Any reference to "landlord tenant" may be considered an illegal effort to supersede Chapter 723 of the Florida Statutes and thus should be removed.
11.	<b>Issue:</b> The use of "eviction notification" is an attempt to pre-empt state law. Inclusion of such wording supplies a potential legal challenge to those who oppose the ordinance.	<b>Recommendation:</b> Any reference to "eviction notification" may be considered an illegal effort to supersede Chapter 723 of the Florida Statutes and thus should be removed.
12.	<b>Issue:</b> References to notice by mail to each mobile home owner of the approved relocation plan are incomplete for purposes of verification and the general subject of notice needs further definition.	<p><b>Recommendations:</b> Each mobile home park owner should be required to keep mailing records and send such notices by certified or registered mail. Records should be retained for a minimum period of time for verification by the Town of Davie.</p> <p>The Town of Davie web site should include a page to update all residents of pending relocation plans.</p> <p>The Town should require permanent signs at all major exits of mobile home parks to inform residents of resources to learn about their rights under existing Town, County, State and Federal law. Such signs should be paid for and maintained by the Town of Davie.</p>

13.	<b>Issue:</b> Current language fails to state a period of time in which "major" changes in relocation plans must be communicated to the Town of Davie Housing and Community Development Department. The term "major" is ambiguous and may therefore be unenforceable.	<b>Recommendation:</b> A time period for park owners to report changes to the Town should be specifically provided, and the word "major" should be defined in a manner which provides further legislative intent.
14.	<b>Issue:</b> Implementation language is vague and can be considered an unreasonable grace period. Currently, it appears the ordinance is to be "implemented" over a period of one year.	<b>Recommendation:</b> This language needs to reflect that the ordinance is effective upon passage into law.
15.	<b>Issue:</b> The term "developers rights" is not defined within the ordinance and is therefore vague.	<b>Recommendation:</b> An exact recitation of such rights should be provided.
16.	<b>Issue:</b> There is no severability clause included to cover situations where part of the ordinance is determined unconstitutional or unenforceable.	<b>Recommendation:</b> A severability clause should be included within the body of the ordinance, not just the title. The following language should be considered: <b>"Severability.-</b> <i>If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional."</i>
17.	<b>Issue:</b> The proposed language fails to state the Town can charge a processing fee for any submitted relocation plans. Currently, the ordinance states, "...however, no funds shall be required of the mobile home park owner other than those presently set by state or federal laws, settlement agreement or payments made into the affordable housing trust fund..."	<b>Recommendation:</b> Reasonable processing fees designed to defray the costs of review and enforcement of submitted plans by the Town of Davie Housing and Community Development Department should be included in the ordinance language.

18.	<b>Issue:</b> There is no reference to mobile home owner associations in the ordinance.	<b>Recommendation:</b> The relocation coordinator should be required to work with HOA's as well as those already specified.
19.	<b>Issue:</b> There is no appeal process set forth in the ordinance, thus weakening the enforce ability of the proposed legislation.	<p><b>Recommendation:</b> An appeals process, in the event of a rejected relocation plan, should be set forth. The following language should be considered:</p> <p><i>"Judicial Review.- Any decision of the Town of Davie as to the approval, conditional approval, rejection or waiver of an exit/relocation plan may be reviewed by a Court of competent jurisdiction in any appropriate cause of action by any affected person or business entity. Any determination of a violation of this ordinance may be reviewed by a Court of competent jurisdiction in any appropriate cause of action by any affected person or business entity. The prevailing party in such litigation, including any appeal, is entitled to the award of reasonable attorney's fees and litigation costs."</i></p>
20.	<b>Issue:</b> There is no remedy set forth in the proposed ordinance language.	<b>Recommendation:</b> If there is a failure to comply with the ordinance, and there is no Town enforcement, those with legal standing should be allowed to enforce the provisions of the ordinance and seek reasonable attorneys fees and litigation costs.
21.	<b>Issue:</b> Specific information contained within paragraph 11 on the second page of the ordinance is incomplete.	<b>Recommendation:</b> Copies of the actual leases should be provided, not just blank forms. The language can be construed as requiring only submission of general or generic forms.

22.	<b>Issue:</b> Paragraph 12 provides an insufficient geographical territory which renders the relocation program information to affected residents virtually meaningless. A "radius of 5 miles of Davie" will not provide residents with any constructive or meaningful information about alternatives. "An inventory of relocation resources" is vague and ambiguous and requires further definition.	<b>Recommendations:</b> Paragraph 12 should track state law, which currently refers to 50 miles.  "Relocation resources" should be further defined.
23.	<b>Issue:</b> Paragraph 14 fails to mandate any specific actions the mobile home park owner is obligated to fulfill to assist mobile home park tenants to move their homes from the park. All a park owner has to say is none, other than what is currently required by Chapter 723 in order to comply.	<b>Recommendation:</b> If paragraph 14 refers to the entire ordinance, then the language of the paragraph should so state. Specific actions needs to be defined so that the Town of Davie Department of Housing and Community Development has appropriate criteria upon which it can base a certification decision.
24.	<b>Issue:</b> Paragraph 15 fails to mandate any specific actions the owner will take to minimize the hardship tenants will suffer.	<b>Recommendation:</b> Specific actions needs to be defined so that the Town of Davie Department of Housing and Community Development has appropriate criteria upon which it can base a certification decision.
25.	<b>Issue:</b> The ordinance language does not deal, in any manner, with "de facto" park closures designed to circumvent the terms of the law. The ordinance will have no effect if it is silent about this practice. A mobile home park owner may take efforts to unofficially close a park without officially doing so.	<b>Recommendation:</b> This proposed ordinance needs a subsection dealing with "de facto" closure, to protect residents and put "teeth" into the law. A quasi-judicial proceeding should be established within the ordinance to determine if the owner has evidenced an intent to violate the ordinance.
26.	<b>Issue:</b> The ordinance does not provide a "state statute conformity clause."	<b>Recommendation:</b> Wording needs to be inserted that this ordinance is not intended to supersede or circumvent existing state statutes.



27.	<b>Issue:</b> The title of the proposed ordinance needs to be strengthened to show legislative intent.	<b>Recommendation:</b> The title of A-4 should be "Mandatory Exit Plans for Mobile Home Park Closures." This is more direct and to the point than "Relocation Assistance."
28.	<b>Issue:</b> Mandatory relocation report and plan information to be provided by the park owner is incomplete on the issue of economic impact to affected residents and the Town of Davie.	<b>Recommendation:</b> An analysis of the economic impact on the mobile home park tenants to be relocated, including, but not limited to, whether or not such tenants will be forced to leave gainful employment and the reasonable prospects for gainful employment when relocated should be included in the report. What measures can be taken to avert such economic impacts should also be addressed in the relocation report.
29.	<b>Issue:</b> Mandatory relocation report and plan information to be provided by the park owner is incomplete on the issue of governmental benefits received by mobile home park residents and what steps will be provided to avoid loss of benefits.	<b>Recommendation:</b> Whether mobile home residents receiving any form of governmental assistance will lose said benefits by being relocated, and the likelihood of receiving comparable governmental assistance once relocated should be stated and explored in the report. What steps the mobile home park owner can or will take to avert loss of such benefits should also be required in the report.
30.	<b>Issue:</b> Mandatory relocation report and plan information to be provided by the park owner is incomplete on the issue of retired and disabled mobile home residents.	<b>Recommendation:</b> Any relocation/exit plan shall specifically provide analysis concerning whether or not all tenants sixty five (65) years of age or older and/or are medically proven to be permanently disabled shall not have to pay an increase in rent over the amount they currently pay for a period of two (2) years after relocation and what measures can be taken to assist such individuals.

31.	<b>Issue:</b> Mandatory relocation report and plan information to be provided by the park owner is incomplete on the issue of park conditions during the park closing process.	<b>Recommendation:</b> Each relocation/exit plan should specify what steps the mobile home park owner will take to ensure that mobile homes abandoned due to the enactment of the relocation/exit plan will be maintained in a safe, secure and reasonable manner to protect the health, safety and welfare of the residents who remain residing within the park during the duration of the closing process.
32.	<b>Issue:</b> Mandatory relocation report and plan information to be provided by the park owner is incomplete on the issue of mortgage obligations on homes to be abandoned by residents.	<b>Recommendation:</b> The relocation report provided by mobile home park owners should include an analysis as to whether any residents who face removal from the mobile home park are responsible for any loans secured by their older and non-portable mobile homes, and if so, a list of such owners and the current balances on each such loan(s) should be provided. Those displaced from their non-portable homes should be compensated by the Affordable Housing Trust Fund in such a manner as to permit relocation and to prevent homeless status.
33.	<b>Issue:</b> The ordinance is silent as to leases signed by residents after submission of the relocation plan by park owners.	<b>Recommendation:</b> The proposed law should include a provision requiring park owners to immediately notify the Town of Davie Housing and Community Development Department of any leases signed during this time period.

34.	<p><b>Issue:</b> The ordinance does not provide any hardship or waiver provisions for park owners.</p>	<p><b>Recommendation:</b> Waiver and Modification of Requirements and Provisions should be included. The following language should be considered:</p> <p><i>"The Town Council shall be empowered to make a quasi-judicial determination that substantial evidence exists that extreme economic hardship will be suffered by the mobile home park owner, and that the provisions of this ordinance shall not apply, or should be modified, in full or in part, with regard to the applicant. An "extreme economic hardship" does not exist where the cost of implementing the exit/relocation provisions of this ordinance would merely deny the applicant the maximum profits that could be realized from the anticipated change in land use and/or zoning change which is sought by the applicant. Further, "extreme economic hardship" is intended to mean that the substantial property rights of mobile home park owners are being infringed given the unique type of tenancy embraced by the mobile home owners and park owners as recognized by Chapter 723 of the Florida Statutes and decisional case law. If the Town Council finds that the conditions would result in extreme economic hardship for the applicant, the Town Council may waive or modify the requirements of this ordinance only to the extent minimally necessary to alleviate such extreme economic hardship."</i></p>
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35.	<b>Issue:</b> The proposed ordinance does not offer rent gap financing.	<b>Recommendation:</b> Goal 4 of the Task Force recommendations should be addressed in the ordinance, as it pertains to rent gap financing. The Affordable Housing Trust Fund created by the Trust Fund should be a funding source for this kind of assistance, and rent gap financing should be included in the relocation plan, so that displaced residents can prevent homelessness during the exit transition period. It is important to keep in mind that displacement from a park creates an unexpected economic hardship for which most residents are completely unprepared to respond.
36.	<b>Issue:</b> The proposed ordinance does not offer down-payment assistance.	<b>Recommendation:</b> Goal 4 of the Task Force recommendations should be addressed in the ordinance as it pertains to down-payment assistance. The Affordable Housing Trust Fund created by the Trust Fund should be a funding source for this kind of assistance, and down-payment assistance through low cost loans should be included in the relocation plan, so that displaced residents can prevent homelessness during the exit transition period. It is important to keep in mind that displacement from a park creates an unexpected economic hardship for which most residents are completely unprepared to respond.

37.	<p><b>Issue:</b> The ordinance does not adequately state the areas intended to be covered by the law.</p>	<p><b>Recommendation:</b> An "Areas Embraced" provision should be included in the ordinance language. The following language should be considered:</p> <p><i>"The provisions of this Ordinance shall apply to land currently zoned for or grandfathered as mobile home park use and located in the unincorporated areas of the Town of Davie and so zoned in the after the effective date of this ordinance. Adequate mobile home parks or other suitable facilities identified by Applicant, as described in Section ___ of this ordinance, may be located in any jurisdiction within a 50-mile radius of the subject property, or other such location as is acceptable by the mobile home owner. The provisions of this ordinance do not apply to mobile home park property owned by mobile home residents or emergency parks established by the Town of Davie, Broward County, the State of Florida or the United States federal government."</i></p>
38.	<p>The proposed ordinance does not address the affordable housing trust fund and any contributions from park owners. It also does not directly refer to any benefits to be paid from the affordable housing trust fund to qualified residents.</p>	

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